

HOUSE BILL 1620
By West

AN ACT to amend Tennessee Code Annotated, Title 10, Chapter 7
and Title 55, Chapter 2, relative to the Handgun Carry
Permit Records Disclosure Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 10, Chapter 7, is amended by adding Sections 2 through 12 of this act as a new part thereto.

SECTION 2. This act shall be known and may be cited as the "Handgun Carry Permit Records Disclosure Act".

SECTION 3. As used in this act, unless the context otherwise requires:

- (1) "Department" means the department of safety;
- (2) "Disclose" means to engage in any practice or conduct to make available and make known personal information contained in a handgun carry permit record about a person to any person, organization or entity, by any means of communication;
- (3) "Individual record" is a handgun carry permit record containing personal information about a designated person who is the subject of the record as identified in a request;
- (4) "Handgun carry permit" means a permit issued pursuant to § 39-17-1351;

(5) "Person" means an individual, organization or entity, but does not include this state or an agency of this state;

(6) "Personal information" means information that identifies a person, including an individual's photograph, or computerized image, social security number, driver identification number, name, address (but not the five-digit zip code), telephone number and medical or disability information, but does not include information on vehicular accidents, driving or equipment-related violations, and driver license or registration status; and

(7) "Record" includes all books, papers, photographs, photostats, cards, films, tapes, recordings, electronic data, printouts or other documentary materials regardless of physical form or characteristics.

SECTION 4. Notwithstanding any other provision of law to the contrary, the department, and any officer, employee, agent or contractor thereof, shall not disclose personal information about any person obtained by the department in connection with a handgun carry permit record.

SECTION 5. Personal information referred to in Section 3 of this act shall be disclosed for use in connection with the theft of a firearm licensed to such permit holder or with a criminal investigation involving the permit holder or a firearm licensed to such permit holder.

SECTION 6. Personal information referred to in Section 3 of this act may be disclosed to any requesting person, if such person demonstrates, in such form and manner as the department prescribes, that such person has obtained the written consent of the person who is the subject of the information.

SECTION 7. Personal information referred to in Section 3 of this act shall be disclosed to any person by the department, its officers, employees or contractors, or upon proof of the identity of the person requesting a record or records and representation by such person that the use of the personal information will be strictly limited to one (1) or more of the following uses:

(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a government agency in carrying out its functions;

(2) For use in connection with any civil, criminal, administrative or arbitral proceeding in any court or government agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of any court;

(3) For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed or used to contact individuals;

(4) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this section; or

(5) For any other use specifically authorized by law that is related to the regulation of firearms or public safety.

SECTION 8. Personal information referred to in Section 3 of this act that is contained in an individual record may be disclosed to any requesting person, without regard to intended use, if the department has provided, in a clear and conspicuous manner on forms prepared by the department, notice that personal information collected by the department may be disclosed to any person making a request for an individual record, and has provided in a clear and conspicuous manner on such forms an opportunity for each person who is the subject of a record to prohibit such disclosure.

SECTION 9. The department may, prior to disclosure of personal information as permitted under the provisions of this act, require the meeting of conditions by requesting the person appear before the department for the purposes of obtaining reasonable assurance concerning the identity of such requesting person. Such conditions may include, but need not be

limited to, the making and filing of written application in such form and containing such information and certification requirements as the department may prescribe.

SECTION 10. (a) An authorized recipient of personal information, may resell or redisclose the information for any use otherwise permitted by law.

(b) An authorized recipient of an individual record or records under Section 8 of this act may resell or redisclose personal information for any purpose.

(c) Any authorized recipient, except a recipient of an individual record or records under Section 8 of this act, who resells or rediscloses personal information shall be required by the department to:

(1) Maintain, for a period of not less than five (5) years, records as to the information obtained, and the permitted use for which it was obtained; and

(2) Make such records available for inspection by the department, upon request.

SECTION 11. The department is authorized to promulgate rules and regulations pursuant to Title 4, Chapter 5, to carry out the purposes of this chapter. The rules and regulations may include procedures under which the department, upon receiving a request for personal information that is not subject to disclosure in accordance with the provisions of this act, may mail a copy of such request to each individual who is the subject of the information, informing each such individual of the request, together with a statement to the effect that disclosure is prohibited and will not be made unless the individual affirmatively elects to waive such individual's right to privacy under this chapter.

SECTION 12. Any person requesting the disclosure of personal information from department records who misrepresents that person's identity or makes a false statement to the department on any application submitted pursuant to this chapter commits a Class B misdemeanor, punishable only by a fine not to exceed five hundred dollars (\$500).

SECTION 13. Tennessee Code Annotated, Section 10-7-504(a), is amended by adding the following new item:

(22) Personal information contained in handgun carry permit records shall be treated as confidential and shall only be open for inspection in accordance with the provisions of this act.

SECTION 14. Tennessee Code Annotated, Section 55-2-106, is amended by designating the existing language as subsection (a) and by adding a new subsection thereto, as follows:

The commissioner of safety is authorized to charge a reasonable fee for each handgun carry permit on which information is requested. Such fee shall not exceed one dollar (\$1.00) on each request for information.

SECTION 15. This act shall take effect July 1, 2003, the public welfare requiring it.